



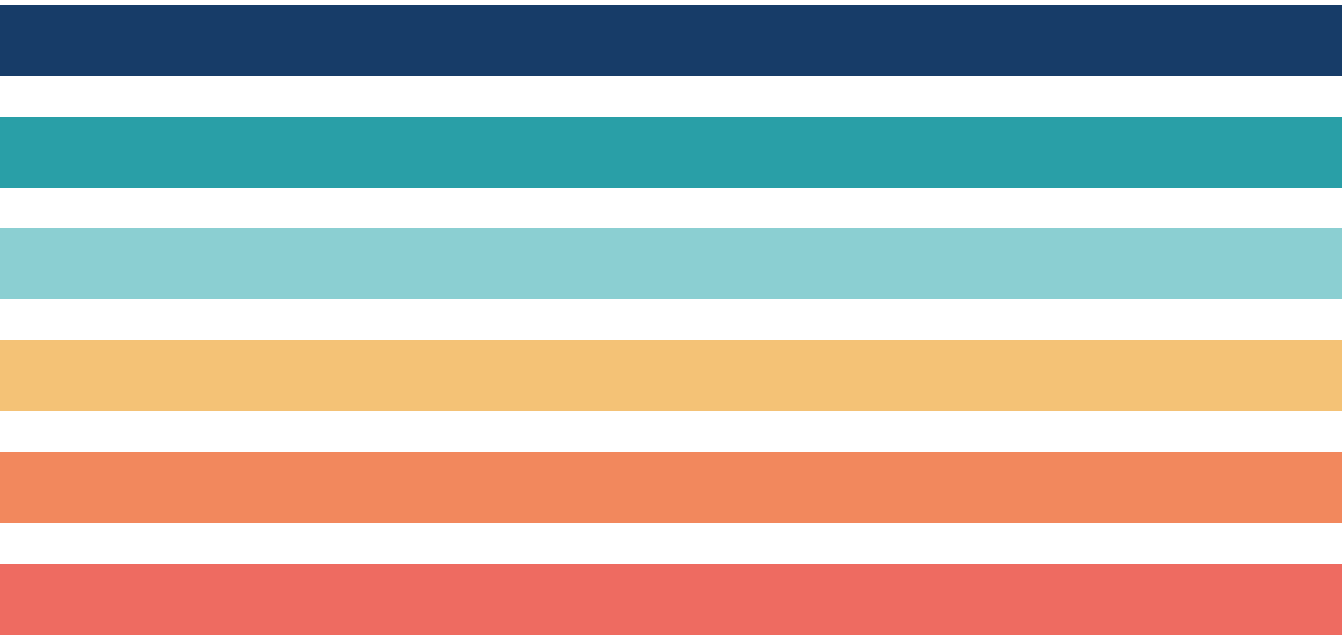
JUSTICE ADMINISTRATION DEPARTMENT



USER GUIDE

Indigent Defense Dashboard

September 30th, 2021



HARRIS COUNTY INDIGENT DEFENSE DASHBOARD GUIDE

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I. INTRODUCTION

What is indigent defense, and why is it important?

The Sixth Amendment to the U.S. Constitution, paired with a series of U.S. Supreme Court cases, guarantees that, in criminal prosecutions, a person accused of a crime who lacks the resources to hire a lawyer without suffering undue hardship is entitled to the assistance of defense counsel at state expense.

What is the status of indigent defense in Harris County?

“Providing indigent criminal defendants with access to effective legal counsel is critical to ensuring due process.”¹ Yet, Harris County has been criticized for not doing enough to ensure indigent defendants receive quality legal representation for years.² However, in 2019, Harris County was awarded a grant to create a Managed Assigned Counsel (MAC) system in which “private lawyers are appointed to indigent defendants by a central authority rather than individual judges.”³ Currently, the grant includes funding for misdemeanor courts only; however, the Texas Indigent Defense Commission has recommended that a joint assigned counsel program be created to include both the misdemeanor and felony courts⁴.

What are the Indigent Defense Dashboards?

On June 30th, 2020, the Harris County Commissioners Court passed a motion made by Commissioner Rodney Ellis charging JAD with developing an [indigent defense dashboard](#) to enhance transparency and build public trust with Harris County court appointment practices. The charge specified that indicators found in the dashboard should include: attorney selection, attorney payments, attorney caseloads, appointment rates, type of counsel, use of experts and investigators, case outcomes, time to disposition, number of court settings, percent of cases resulting in alternative to incarceration, and percent of cases resulting in dismissal. For clarity and efficiency, JAD has developed two separate dashboards to accomplish this charge: 1) The Court Appointments Dashboard, and 2) The Harris County Indigent Defense Dashboard.

¹ National Institute of Justice, “Overview of Indigent Defense,” July 22, 2019, nij.ojp.gov: <https://nij.ojp.gov/topics/articles/overview-indigent-defense>.

² See generally, DePrang, J. (2015, October 12). Poor Judgment: Harmon’s Court- Misdemeanors Where Incarceration Can Occur. Retrieved October 07, 2020, from <https://www.texasobserver.org/poor-judgment/>, Satija, N. (2018, November 01). Harris County juvenile judges and private attorneys accused of cronyism: “Everybody wins but the kids”. Retrieved October 09, 2020, from <https://www.texastribune.org/2018/11/01/harris-county-texas-juvenile-judges-private-attorneys/>, and Liptak, A. (2020, June 01). Campaign Funds for Judges Warp Criminal Justice, Study Finds. Retrieved October 09, 2020, from <https://www.nytimes.com/2020/06/01/us/campaign-finance-criminal-justice-judges.html>.

³ Despart, Z., & Blakinger, K. (2019, October 07). Harris County judges criticized over pace of court-appointed lawyer reform. Retrieved October 09, 2020, from <https://www.houstonchronicle.com/news/houston-texas/houston/article/Harris-County-judges-criticized-over-pace-of-14493621.php>.

⁴ Despart, Z., & Blakinger, K. (2019, October 07). Harris County judges criticized over pace of court-appointed lawyer reform. Retrieved October 09, 2020, from <https://www.houstonchronicle.com/news/houston-texas/houston/article/Harris-County-judges-criticized-over-pace-of-14493621.php>.

THE HARRIS COUNTY INDIGENT DEFENSE DASHBOARD

The Indigent Defense Dashboard provides data on indigent defense caseloads and fees for private attorneys and public defenders. The Indigent Defense Dashboard can be accessed at: <https://jad.harriscountytexas.gov/Data/Harris-County-Indigent-Defense-Dashboard>. The Indigent Defense Dashboard data is separated by fiscal year (October 1st – September 30th) from 2014-2020.

Data from Fiscal Year 2020 and further include different logic for calculating caseload counts and payment totals. Cases and Payments are only calculated when the case is completed. Prior Fiscal years count cases on the date of appointment and appearance and payments based on the date the individual voucher(s) were processed.

Metrics and Filters

- **Case Count:** Cases are uniquely counted if there is at least one voucher processed. A case can be counted more than once if it crosses over multiple fiscal years, and a voucher is processed for each year.
- **Appointed Attorneys:** Refers to attorneys appointed to a case as a result of indigency. Appointed attorneys can be private attorneys, public defenders, or part of a managed assigned counsel program. For the Harris County Indigent Defense Dashboard, only private attorneys and associated fees and cases are shown unless noted otherwise.
- **Median:** Medians are the halfway point that separates the top and bottom 50%, as opposed to averages that are the total of all calculations divided by the number of cases and/or attorneys, which can provide an inaccurate representation of the data due to outliers. The user can hover over the number for more information on actual calculations to see the formula used.
- **Top 10%:** Top 10% of cases and fees is a calculation ranking the top 10% of attorneys based on their attorney fee or caseload count.
- **Felony Courts:** Refers to cases heard in the District Criminal Courts in Harris County.
- **Misdemeanor Courts:** Refers to cases heard in the Harris County Criminal Courts at Law.
- **Indigent Defense Percentages:** Indigent defense percentages are self-reported by each attorney and not a calculation comparing the attorney's indigent defense caseload against their entire caseload. Because of the self-reported nature, these percentages are not meant to be an accurate representation but rather an estimate.
- **Full-Time Equivalent Caseload:** Calculation of approximately how many cases a full-time attorney could handle over a year. The full-time equivalent caseload percentage is calculated by adding percentages of types of cases together based on the numbers below. 100% represents the caseload guideline per the Texas Indigent Defense Commission.
 - 226 Misdemeanors Appointed
 - 128 Felonies Appointed
 - 168 Juvenile Delinquency
 - 31 Appeals

III. “HARRIS COUNTY INDIGENT DEFENSE SUMMARY” TAB

The “Indigent Defense Summary” provides a summary of indigent defense for the fiscal year selected. Each number featured in the summary can be hovered over to provide additional information on calculations and data collection. To ensure the information is not misconstrued, the fiscal year is the only active filter on this page; users should see the “Indigent Defense by Court” or “Indigent Defense by Attorney” sections for additional details and filters.

450

Appointed Attorneys

\$37.2M



Appointed Attorney Vouchers

59.4K

Appointed Attorney Cases

\$548

Median Payment Per Case

Attorney Fees Distribution				Caseload Distribution			
 In FY2019, 35% (\$13M) of all attorney fees (\$37M) went to 10% (45) of court appointed attorneys.				 In FY2019, 31% (18K) of all attorney appointments (59K) went to 10% (45) attorneys.			
Pay Range	Felony Courts	Misdemeanor Courts	Total	Case Count	Felony Courts	Misdemeanor Courts	Total
>\$500K	1	0	1	>250	43	22	77
\$250K-\$500K	21	0	22	200-250	35	20	50
\$100K-\$250K	93	2	109	150-200	38	16	47
\$50K-\$100K	84	46	114	100-150	60	25	70
\$25K-\$50K	60	41	66	50-100	79	24	81
\$10K-\$25K	64	26	75	25-50	47	16	49
<\$10K	61	33	63	<25	142	40	142
The highest paid attorney received		The median attorney total pay was		The largest attorney caseload was		The median attorney total caseload was	
\$517,376		\$60,076		706		100	

The “Attorney Fees Distribution” and “Caseload Distribution” sections feature the following:

- Top 10% fee payment and caseload calculations for the current fiscal year.
- Each attorney is separated into “Total Pay” and “Total Case” buckets to show distributions.
- Metrics that show the highest-paid attorneys and largest attorney caseloads compared to the median pay/caseloads received by all attorneys.

IV. "INDIGENT DEFENSE BY COURT" TAB

Court-level summaries of indigent defense are provided for additional analysis.

Court Type					Attorney Details for Indigent Defense Cases					Court Summary	
<input checked="" type="checkbox"/> Select all <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor					Attorney Name	Cases	% of Cases	Paid	% of Paid	Indigent Defense Payment \$37,222,191 100.00% Court Payments of payments <small>*Percentage across Misdemeanor and Felony Courts</small>	
Courts											Indigent Defense Cases 64419 100.00% Court Cases of cases <small>*Percentage across Misdemeanor and Felony Courts</small>
001	009	174	184		Gonzalez, Ricardo N.	541	0.84%	\$517,376	1.39%		
					Nunnery, A. E.	62	0.10%	\$494,315	1.33%		
					Ortiz, Jimmy Joe	294	0.46%	\$470,373	1.26%		
					Osso, Anthony	15	0.02%	\$450,688	1.21%		
					Godinich, Jerome	447	0.69%	\$440,265	1.18%		
					Bourque, Gerald	10	0.02%	\$388,028	1.04%		
					Scardino, Robert Albert	7	0.01%	\$372,208	1.00%		
					Muldrow, Loretta Johnson	34	0.05%	\$369,960	0.99%		
					Keirnan, John Patrick	9	0.01%	\$366,965	0.99%		
002	010	176	185		Ortiz, Jeanie	706	1.10%	\$356,859	0.96%		
					Castro, Ray	233	0.36%	\$328,827	0.88%		
					Scardino, Joseph	8	0.01%	\$316,925	0.85%		
					Cornelius, R. P.	190	0.29%	\$308,849	0.83%		
003	011	177	208		Shannon, Hattie Sewell	396	0.61%	\$308,550	0.83%	Indigent Defense Attorney Metrics 516 \$548 attorneys median pay per case	

Besides the fiscal year filter which appears on each tab, the "Indigent Defense by Court" section includes two other prominent filters:

1. Court number selection with or without a court type, and
2. Hovering over any numerical data point will show information about the data collection.

Additional Filters

- Court Type: Filter metrics and results by the selected court type or all available court types. Currently, only felony and misdemeanor courts are used for indigent defense metrics.
- Courts: Court number corresponding to the District Criminal Court or County Criminal Court at Law.

Attorney Details of Indigent Defense Cases

- Attorney name tied to the voucher payment for a case.
- Caseload and amount paid are tied to each attorney based on the voucher payment. A case will not count more than once if there are multiple vouchers in the fiscal year, but each payment will be included in the total.
- Percentage of cases and percentage paid are based on all attorneys in the table and will change when "Fiscal Year," "Court Type," and/or a specific court is selected.

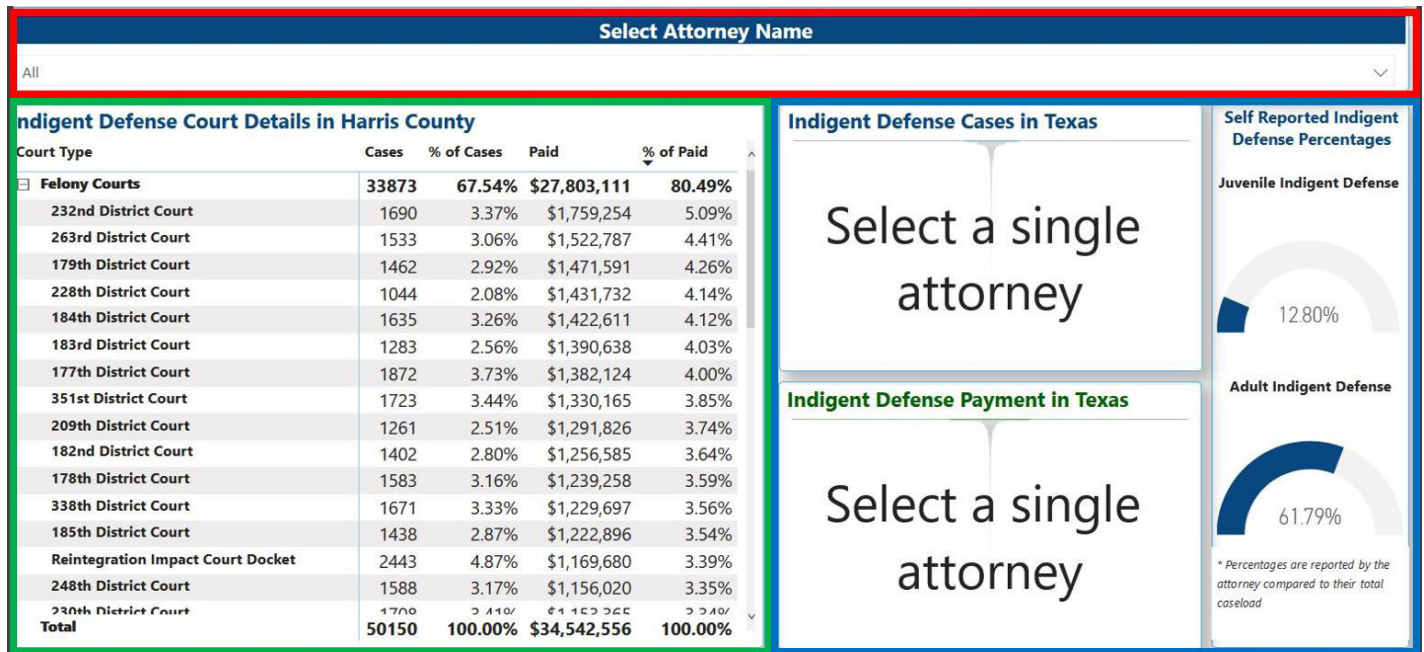
Court Summary

- Indigent Defense Payment, Cases, and Metrics: Calculations are the same as seen in the summary tab. Numbers will change depending on which filter(s) are selected.
- Percentage of payments/ Percentage of Cases: Calculation compares the selected court(s) against all courts in the selected court type. If no court is selected, the percentage will show 100%. The text below the percentage changes based on the court type and specific court to provide a more detailed description and to avoid confusion.

V.

"INDIGENT DEFENSE BY ATTORNEY" TAB

Attorney-level details provide an alternative way to analyze the data. Users can select an attorney to find details on which courts indigent defense cases were taken, statewide indigent defense metrics for the attorney, and their self-reported percentages.



Additional Filters

- "Fiscal Year" and "Attorney Name" are the main filters. Metrics and data tables will change for the selected year and/or attorney.

Indigent Defense Court Details in Harris County

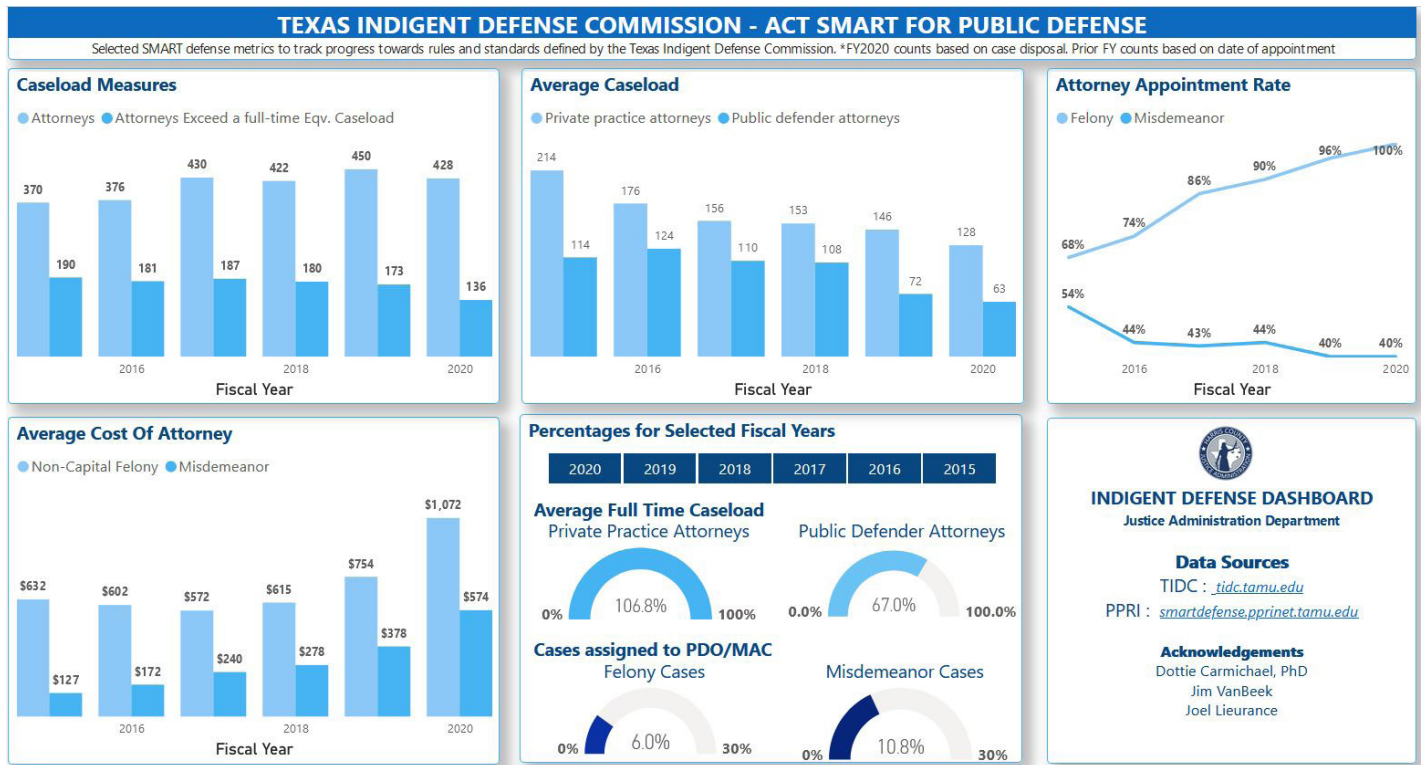
- This data table is similar to the "Indigent Defense by Court" tab, but examines court level, rather than attorney level. The courts are separated by number and court type (Felony or Misdemeanor). Hovering over a number will show detailed information about how the data was collected.

Statewide Metrics

- Indigent Defense Cases in Texas: Requires a single attorney be selected. Once selected, a chart with the number of indigent cases in Texas for the fiscal year for that attorney is shown by county.
- Indigent Defense Payment in Texas: Requires a single attorney be selected. Once selected, a chart with the total amount of indigent defense payments in Texas for that attorney for the fiscal year are shown by county.
- Self-Reported Indigent Defense Percentages: Requires a single attorney to be selected. Once selected, this section reveals what percentage the selected attorney reported as juvenile and adult indigent defense compared to their total reported caseload.

VI. “HARRIS COUNTY SMART DEFENSE” TAB

The “Harris County Smart Defense” tab highlights selected metrics from the Texas Indigent Defense Commission’s “Act Smart for Public Defense” website.



Users can hover over bars or lines to find more information about the calculation, including the formula used.

“About” Tab

The “About” tab provides additional information on terms and methodologies.

We hope you find this guide useful; for any questions pertaining to the dashboard, please contact jad@jad.hctx.net. For interview requests, to receive more educational and informational materials from JAD, and or to receive our newsletter, please reach out to media@jad.hctx.net.